

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WILLIAM D. BRANNON,
#30427-074

Plaintiff,

vs.

UNITED STATES DEPARTMENT
OF JUSTICE, *et al.*,

Defendants.

2:10-cv-01095-JCM-LRL

ORDER

Plaintiff is a prisoner in federal custody in Florida proceeding *pro se* with a *Bivens* civil rights action and has requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

Plaintiff brings this action against the United States Department of Justice and the Bureau of Prisons–Federal Correctional Complex Coleman (“FCC Coleman”), seeking damages for alleged violations of his Fifth and Eighth Amendment rights related to alleged denial and delay of dental treatment that resulted in the loss of several teeth.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions

1 giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is
2 situated, or (3) a judicial district in which any defendant may be found, if there is no district in which
3 the action may otherwise be brought.” 28 U.S.C. § 1391(b).

4 In this case, none of the defendants reside in the District of Nevada, and the main
5 defendant appears to be FCC Coleman, where plaintiff is housed.¹ The events giving rise to the claim
6 occurred in Coleman, Florida, which is located in the Middle District of Florida. Therefore, plaintiff’s
7 complaint should have been filed in a United States District Court for the Middle District of Florida.
8 In the interests of justice, a federal court may transfer a complaint filed in the wrong district to the
9 correct district. *See* 28 U.S.C. § 1406(a); *Starnes v. McGuire*, 512 F.2d 918, 932 (D.C. Cir. 1974).

10 **IT IS THEREFORE ORDERED** that this matter is transferred to the United States
11 District Court for the Middle District of Florida.

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13 DATED this 15th day of September, 2010.

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15 UNITED STATES MAGISTRATE JUDGE

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¹This court has not screened the complaint pursuant to 28 U.S.C. § 1915(e)(2), the Prisoner Litigation Reform Act (PLRA) for sufficiency, including as to defendants named.